

DOMINION OF CANADA

REPORT

OF THE

COMMISSIONER OF PATENTS

FOR THE

Fiscal Year ended March 31, 1924

PRINTED BY ORDER OF PARLIAMENT



OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1924

*To General His Excellency the Right Honourable Lord Byng of Vimy, G.C.B.,
G.C.M.G., M.V.O., Governor General and Commander-in-Chief of the
Dominion of Canada.*

MAY IT PLEASE YOUR EXCELLENCY:

The undersigned has the honour to present to Your Excellency the report of the Commissioner of Patents for the fiscal year ended March 31, 1924.

All of which is respectfully submitted.

THOS. A. LOW,
Minister of Trade and Commerce.

OTTAWA, June 28, 1924.

ANNUAL REPORT

OF THE

COMMISSIONER OF PATENTS

The Hon. THOS. A. Low, M.P.,
Minister of Trade and Commerce.

SIR,—In pursuance of the requirements of the 60th section of the Patent Act, chapter 23 of the Statutes of 1923, and section 5A of an Act respecting the Patent Act, the Copyright Act, the Trade Mark and Design Act, and the Timber Marking Act, chapter 64, 9 and 10 George V, I have the honour to report as follows upon the proceedings in the fiscal year ended March 31, 1924, under the provisions of these Acts.

GENERAL BUSINESS

The general business of the office for the twelve months ended March 31 showed a slight decrease from the preceding year. The number of applications filed was 10,441. This is 365 less than last year, or a decrease of over three per cent. There were 9,000 patents granted. This is about the average issue of the last five years but is 3,542 or over 28 per cent less than last year. The exceptionally large issue last year was due to the change in the method of payment of fees under the Act amending the Patent Act assented to June 4, 1921. Under this amendment so many applicants took advantage of the extension of time in which to remit the final fees that the grant of patents in the fiscal year 1921-22 was greatly reduced and the issue of 1922-23 was correspondingly increased. Renewal fee certificates totalled 1,793, a decrease of 334, or 15 per cent. Forty-three of the renewals were accepted under section 47 of the Patent Act and eight were received by authority of special Acts of Parliament. The remainder, or 1,742, were accepted as final fees under subsection 2 of section 43 of the Patent Act. The number of assignments recorded was 5,061, a decrease of 82, or slightly over one per cent. Petitions to place 1,085 patents under the compulsory license clause, section 44 of the Patent Act, chapter 69, R.S.C. 1906, were received and 1,099 patents were made subject to this section. This clause of the Act was in force only the first five months of the year until the new Act became effective on September 1. During the same period requests were made to extend the time for importation on 139 patents and for manufacture on 112 patents. Of these petitions 67 were granted for importation and 59 for manufacture. Notices under section 8 for the five months were 88. Caveat applications and grants were 489 and 415 respectively. This is a few less than last year and is a decrease of 24 applications and 37 grants. Reports by examiners in addition to the patents allowed amounted to 6,710. This is a

decrease of 424, or 6 per cent. Orders for 4,029 certified copies of patent specifications were filled during the year. Under the seven months' operation of the new Act and Rules, 22 abandoned applications were reinstated under Rule 11, 147 forfeited applications were restored under subsection 3 of section 43, and 138 applications were made under section 47 for the revival of patents which had become void for non-payment of fees, failure to manufacture, or because of the importation of the patented article. The total transactions relating to patents numbered 40,894, a decrease of 6,044 or over 12 per cent less than last year.

Registrations of copyright numbered 1,760. This is 169 more than last year, an increase of more than 10 per cent. Trade mark registrations totalled 2,310, a decrease of 83, or over 3 per cent. There were 422 industrial designs recorded, which is 50 or over 13 per cent more than the previous year. Timber mark registrations were 17, the same as the preceding year. The assignments of copyrights, trade marks, industrial designs and timber marks amounted to 989, an increment of 576 or over 140 per cent. The total registrations affecting copyrights, trade marks, designs and timber marks were 5,498. This is 566 or nearly 12 per cent more than the previous twelve months.

A statement of the transactions of the Patent and Copyright Office is given in appendix A and a comparative statement for the last ten years is given in appendix B.

RECEIPTS AND EXPENDITURES

The fees received from all sources were less than the preceding year, which was the largest in the history of the office. Last year's receipts were increased by the change in the manner of payment of fees under the amending Act of June 4, 1921, by which the applicants were given six months after the allowance of the application to remit the final fee. The fees for filing petitions for licenses, importation and manufacture were in effect only five months of the present year and the amounts received therefrom were correspondingly reduced. This decrease has been more than offset by the charges imposed under the new Act of September 1, 1924, for applications for restoration, reinstatement and revival of patents.

The total net receipts were \$459,780.27, a decrease of \$24,698.64 compared with the preceding twelve months. The expenditures were \$227,090.94, and the surplus of receipts over expenditures was \$232,689.33. The patent fees totalled \$390,933.66. This is \$22,304.16 less than last year. The fees from copyrights, designs, trade and timber marks were \$68,846.61, a decrease of \$2,394.48.

In appendix C is given a statement of the receipts and expenditures and a detailed monthly statement of fees from the Patent Branch and the Copyright and Trade Mark Branch is given in appendices D and E respectively.

RESIDENCE OF INVENTORS FOR PATENTS GRANTED

Appendix F gives the country of residence of inventors for the patents issued. Of the total number granted 5,860 were applied for by residents of the United States. This is 65 per cent of the whole issue but is 2 per cent less than were issued to United States inventors last year. Applicants residing in Canada contributed 1,533, or 17 per cent of the total. This is an increase of 1 per cent. Residents of Great Britain and Ireland and the British Colonies and Possessions applied for 855, or over 9 per cent of the issue. This is the same percentage as the preceding year. The remaining 752 patents, or over 8 per cent, came from inventors in twenty-five other countries. This is an increase of 1 per cent over the previous year.

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PATENT RECORD AND EXCHANGE OF PUBLICATIONS

The official journal, the *Canadian Patent Office Record*, was issued each Tuesday which corresponds with the date of grant of patents. The principal drawing and claims of patents, abridgments of trade marks and designs, lists of copyrights and assignments, and notices of hearing were published. In addition to subscriptions and sales, the Record was distributed to ninety-three public and university libraries in Canada, to seventy-one in Great Britain and its Dominions, to forty-nine in the United States and to nineteen other foreign libraries and consular offices.

During the year the official publications and reports of patents, trade marks and designs from Great Britain, Australia, New Zealand, France, the United States of America, Mexico, Belgium, Italy, Japan, Switzerland and Norway were received in exchange for the Record. The office was also in receipt of abridgments of patents and bound volumes of patents from Great Britain, the printed copies of French patents, and the current weekly issue of United States patents. About fifty scientific and technical periodicals for the use of the examining corps were obtained by exchange for the office journal.

STAFF

The number of employees of the office averaged 116 during the year, and was composed of ninety-five permanent and twenty-one temporary officers and clerks. This is an increase of five in the permanent staff and a decrease of six in the temporary. During the year four clerks resigned.

LETTERS, ETC.

Letters and correspondence relating to Patent, Copyright and other office transactions received during the year totalled 62,497, and the letters, correspondence forms and packages of publications despatched from the office amounted to 141,300. The increase in the number of letters received was 4,228 and in the number despatched there was a decrease of 2,952.

REGISTER OF PATENT AGENTS

The new Patent Act provides that a register of attorneys shall be kept in the Patent Office on which shall be entered the names of all persons entitled to present and prosecute applications for patents and Rule 33 of the new regulations gives the qualifications required for entry on the register. The total number on the register on March 31 was 1,282.

REFUND OF FEES HELD BY CUSTODIAN OF ENEMY PROPERTY

Claims for refunds of fees under section 51 of the former Patent Act on applications of alien enemies pending at the outbreak of the Great War and on those filed from the beginning of the war up to January 10, 1920, had been reported to, and the fees deposited with the Custodian of Enemy Property. In a number of cases refunds were made by the custodian and on May 19, 1923, the balance, affecting twenty-eight applications, was transferred to this office for disposal. Refunds were then made to the agents of the applicants.

REVIVAL OF PATENTS

Under section 47 of the new Act 138 applications were presented for the restoration and revival of 230 patents that had become void by importation, non-manufacture and non-payment of fees. In 80 cases affecting 143 patents,

restoration was made. Of this number 38 were for failure to pay fees, 51 for non-manufacture, 15 for importation, 33 for non-manufacture and importation and 6 for non-manufacture and non-payment of fees. On March 31 there were 58 pending applications for which notice of hearing had been published.

TREND OF INVENTION

There was no outstanding development in this respect. With a few exceptions the decrease in the number of applications filed was evenly divided among the inventive arts. Inventions relating to transportation were again more numerous than any other, but land vehicles and accessories, which is the largest single class of invention, declined nearly 30 per cent. Railway appliances and rolling stock were about the same as last year, with the exception of a large increase in draft gear and buffer applications. There were decreases in air and water navigation.

Inventions pertaining to agriculture and animal husbandry declined nearly 20 per cent.

Applications relating to dyeing, bleaching, chemicals, medicines, fertilizers, metallurgy and electro-chemistry were slightly in excess of last year.

The interest in wireless communication, especially in the development of vacuum tubes, was well maintained, but there was a marked decrease in telephone applications.

Woodworking machinery and tools were somewhat greater than last year.

Printing press and typewriter applications increased. Many of the typewriter applications were directed to the lessening of noise, folding portable machines and book-keeping machines.

Pulp and paper making machines and processes increased nearly 50 per cent.

Steam engines increased slightly but internal combustion motors declined nearly 20 per cent. In this class there was a larger number of inventions for the diesel and semi-diesel type of engine.

In some other classes such as wooden buildings, metal founding, hoisting machinery, dish washing machines, liquid fuel burners, weaving, cordage manufacture and life preservers there were substantial gains.

LEGISLATION AND INTERNATIONAL CONVENTIONS

The Patent Act, chapter 23 of the Statutes of 1923, was passed on the 13th June, 1923, and by proclamation published in the *Canada Gazette* on the 7th July, 1923, was brought into force on the 1st September last. This Act repealed the Patent Act, chapter 69, R.S.C., 1906. The Rules and Regulations and Forms under the new Act which were approved by the Governor in Council on the 27th July, 1923, also became effective on the 1st September last, and on the same date, Canada's adherence to the International Convention for the Protection of Industrial Property was secured.

The Copyright Act, 1921, as amended by chapter 10 of the statutes of 1923, came into force on the 1st January last, as did also the Rules and Regulations and Forms made thereunder.

On the same date a reciprocal arrangement between Canada and the United States became effective, the Minister having issued a certificate under subsection (2) of section 4 of the Copyright Act, 1921, extending the Act to the United States and the President of that country having issued a proclamation extending to Canada the protection afforded by the copyright legislation of the United States. On the same date Canada's adherence to the Revised Convention of Berne and the extension of the British Copyright Act, 1911, became effective.

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All the documents evidencing the foregoing arrangements and accomplishments appear in appendix G of this report.

Chapter 28 of the Statutes of 1923 was passed amending the Trade Mark and Design Act. The amendments were made to permit Canada's adherence to the International Convention for the Protection of Industrial Property which was secured as above stated.

There were nine special Acts granted by Parliament for the relief of the owners of thirteen patents. The time for the acceptance of fees was extended in eight of these, three were placed under the operation of the compulsory license clause, and on two others the time for importation and manufacture was extended.

Respectfully submitted,

GEORGE F. O'HALLORAN,
Commissioner of Patents.

OTTAWA, June 28, 1924.

APPENDICES

APPENDIX A

TRANSACTIONS OF THE PATENT AND COPYRIGHT OFFICE FROM APRIL 1, 1923, TO
MARCH 31, 1924

(a) TRANSACTIONS OF THE PATENT BRANCH.

Applications for patents.....	10,441
Patents granted—	
Fees paid for 6 years on issue.....	490
Fees paid for 18 years on issue.....	8,478
Re-issue patents granted—	
For 6 years.....	6
For 18 years.....	26
Total.....	9,000
Certificates for renewal fees after issue.....	1,793
Assignments of patents.....	5,061
Reports by examiners in addition to patents granted.....	6,710
Caveat applications.....	489
Caveat grants.....	415
Petitions under compulsory licence clause (5 months).....	1,085
Grants under compulsory licence clause, (5 months).....	1,099
Petitions for extension of time for importation (5 months).....	139
Grants for extension of time for importation, (5 months).....	67
Petitions for extension of time for manufacture (5 months).....	112
Grants for extension of time for manufacture (5 months).....	59
Notices under section 8 (5 months).....	88
Applications reinstated, (7 months).....	22
Applications restored under section 43 (7 months).....	147
Petitions for revival of patents under section 47 (7 months).....	138
Certified copies of patents.....	4,029
Total transactions.....	40,894

(b) TRANSACTIONS OF THE COPYRIGHT AND TRADE-MARK BRANCH.

1. Copyrights—	
Full copyrights without certificates.....	1,107
Full copyrights with certificates.....	552
Temporary copyrights without certificates.....	26
Temporary copyrights with certificates.....	7
Interim copyrights without certificates.....	58
Interim copyrights with certificates.....	8
Renewals of copyrights.....	2
Assignments of copyrights.....	448
Total.....	2,208
2. Trade marks.....	2,202
Renewals of specific trade marks.....	108
Assignments of trade marks.....	490
Total.....	2,800
3. Industrial designs.....	407
Renewals of industrial designs.....	15
Assignments of industrial designs.....	43
Total.....	465
4. Timber marks.....	17
Assignments of timber marks.....	8
Total.....	25
Total registrations.....	5,498

APPENDIX B

COMPARATIVE STATEMENT OF THE TRANSACTIONS OF THE PATENT AND COPYRIGHT OFFICE FROM 1915 TO 1924 INCLUSIVE

(a) Comparative Statement of the Patent Branch.

	1915	1916	1917	1918	1919	1920	1921	1922	1923	1924
Applications for patents.....	7,302	7,793	8,751	8,683	9,025	11,198	13,446	12,274	10,806	10,441
Patents granted.....	6,867	6,812	7,520	7,233	6,052	9,527	11,152	7,393	12,542	9,000
Certificates for renewal fees.....	1,211	1,419	1,599	1,847	2,022	2,036	2,549	2,620	2,127	1,793
Caveats granted.....	391	419	358	364	349	408	410	420	452	415
Assignments recorded.....	3,391	3,311	3,661	3,425	3,690	4,479	5,525	5,481	5,143	5,061
Fees received, net	\$190,028 37	\$202,630 40	\$227,094 09	\$228,278 57	\$239,345 38	\$294,046 28	\$344,712 23	\$380,206 90	\$413,237 82	\$390,933 66

(b) Comparative Statement of the Copyright and Trade Mark Branch.

	1915	1916	1917	1918	1919	1920	1921	1922	1923	1924
Copyrights registered.....	1,675	1,477	1,381	1,440	1,436	2,028	1,729	1,465	1,591	1,760
Certificates of copyright.....	193	146	160	128	142	201	174	244	217	567
Trade marks registered.....	1,106	1,019	840	987	919	1,735	2,128	2,609	2,521	2,310
Industrial designs registered.	224	215	196	177	169	186	316	384	390	422
Timber marks registered.	24	27	55	31	90	22	58	20	17	17
Assignments registered...	242	279	333	234	255	320	624	570	413	989
Fees received, net	\$32,840 87	\$29,645 11	\$28,642 81	\$32,265 28	\$40,178 82	\$60,450 69	\$63,174 50	\$74,679 34	\$71,241 09	\$68,846 61

APPENDIX C

RECEIPTS AND EXPENDITURES FOR 1923-24

Receipts		Expenditures	
Cash received.....	\$ 483,082 50	Salaries.....	\$ 166,592 73
Cash refunded.....	23,302 23	Patent Record.....	32,051 91
		Contingencies.....	28,446 30
			\$ 227,090 94
		Receipts over expenditures.....	232,689 33
Net cash.....	\$ 459,780 27		\$ 459,780 27

APPENDIX D
DETAILED STATEMENT PATENT OFFICE FEES FOR YEAR 1923-24

Month	Notices	Patents	Assign-ments	Certified Copies	Caveats	Sundries	Subscrip-tions	Sec. 44	Import	Manufac-ture	Restoration of Application	Reinstatement of Application	Revival of Patent	Total
	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.
1923														
April	48 00	31,095 60	853 50	636 82	212 00	89 90	51 75	1,389 00	166 00	210 00				34,752 57
May	32 00	31,058 04	1,059 50	733 77	224 00	30 85	213 78	1,501 00	181 25	107 00				35,141 19
June	36 00	28,303 56	952 00	747 58	220 00	72 74	89 20	1,245 00	150 00	45 00				31,861 08
July	36 00	28,073 80	844 50	465 71	175 50	29 51	87 90	995 50	100 00	85 00				30,893 42
August	28 00	30,091 90	1,042 50	479 06	152 00	123 55	66 80	789 00	5 00	55 00				32,832 81
September		25,165 55	759 75	534 89	175 00	291 00	123 50				420 00	60 00	675 00	28,204 69
October		29,281 06	933 00	573 41	131 50	146 90	89 40				290 00	45 00	620 00	32,110 27
November		31,863 45	1,074 00	582 65	190 00	74 15	52 80				365 00	90 00	1,390 00	35,682 05
December		31,343 90	994 65	629 89	197 00	68 10	765 61				365 00	45 00	960 00	35,369 15
1924														
January		30,027 05	1,073 00	595 55	230 00	20 15	198 20				360 00	30 00	2,137 00	34,670 95
February		31,118 45	987 15	943 15	240 00	38 34	117 40				315 00	30 00	315 00	34,104 49
March		32,888 70	1,038 00	906 70	240 00	25 10	153 22				345 00	30 00	1,085 00	36,711 72
Totals	180 00	360,311 06	11,611 55	7,829 18	2,387 00	1,010 29	2,009 56	5,919 50	602 25	502 00	2,460 00	330 00	7,182 00	402,334 39
Refunds	4 00	5,764 86	155 75	263 50	35 50	892 99	23 53	3,578 60	70 00	75 00	255 00		282 00	11,400 73
Totals	176 00	354,546 20	11,455 80	7,565 68	2,351 50	117 30	1,986 03	2,340 90	532 25	427 00	2,205 00	330 00	6,900 00	390,933 66

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APPENDIX E

DETAILED STATEMENT TRADE MARK AND COPYRIGHT FEES, 1923-24

Month	Trade marks	Copy- rights	Designs	Timber marks	Assign- ments	Certified Copies	Totals
	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.
1923							
April.....	8,158 65	163 55	199 00	4 00	90 00	82 00	8,697 20
May.....	6,640 00	167 25	211 00	2 00	130 15	22 00	7,172 40
June.....	6,521 15	160 65	165 25	52 00	74 00	58 75	7,031 80
July.....	4,589 15	147 65	144 50		90 00	64 25	5,035 55
August.....	4,402 50	147 05	82 00	6 00	92 00	58 00	4,787 55
September.....	4,612 75	175 70	250 00	2 00	102 00	25 00	5,167 45
October.....	6,676 00	176 40	218 50	4 00	101 10	30 00	7,206 00
November.....	5,439 50	178 50	167 00	4 00	96 00	89 00	5,974 00
December.....	6,161 15	178 87	250 00	2 00	47 15	107 50	6,746 67
1924							
January.....	4,730 15	319 50	154 00	2 00	116 00	119 12	5,440 77
February.....	7,465 47	771 00	222 00		184 10	78 40	8,720 97
March.....	7,552 00	828 00	195 00	4 00	114 00	74 75	8,767 75
Totals.....	72,948 47	3,414 12	2,258 25	82 00	1,236 50	803 77	80,748 11
Refunds.....	11,583 00	65 75	163 50	2 00	44 00	43 25	11,901 50
Totals.....	61,365 47	3,348 37	2,094 75	80 00	1,192 50	765 52	68,846 61

APPENDIX F

RESIDENCE OF INVENTORS FOR PATENTS GRANTED IN 1923-24

Canada—	
Ontario.....	673
Quebec.....	312
British Columbia.....	174
Alberta.....	123
Saskatchewan.....	106
Manitoba.....	83
Nova Scotia.....	41
New Brunswick.....	14
Prince Edward Island.....	7
Total.....	1,533
Great Britain and Ireland—	
England.....	577
Scotland.....	42
Ireland.....	19
Wales.....	6
Total.....	644
British Colonies and Possessions—	
Australia.....	120
New Zealand.....	55
South Africa.....	25
India.....	8
Newfoundland.....	2
Egypt.....	1
Total.....	211
Foreign States	
America—	
United States.....	5,860
Mexico.....	8
Chili.....	5
Argentine Republic.....	3
Cuba.....	2
Brazil.....	1
Uruguay.....	1
Total.....	5,880

Foreign States—Con.	
Europe—	
Germany.....	219
France.....	164
Sweden.....	80
Switzerland.....	53
Norway.....	44
Hungary.....	27
Belgium.....	24
Denmark.....	24
Holland.....	23
Italy.....	22
Austria.....	20
Spain.....	8
Finland.....	3
Czecho-Slovakia.....	3
Bulgaria.....	1
Russia.....	1
Total.....	716
Asia—	
Japan.....	13
Dutch East Indies.....	2
China.....	1
Total.....	16
Grant Total.....	9,000

APPENDIX G

INTERNATIONAL CONVENTION FOR THE PROTECTION OF
INDUSTRIAL PROPERTY

REVISED PARIS CONVENTION

Convention for the purpose of making modifications in, and additions to, the Convention of Paris of the 20th March, 1883, revised at Brussels on the 14th December, 1900; made at Washington on the 2nd June, 1911, between,

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; His Majesty the German Emperor, King of Prussia, in the name of the German Empire; His Majesty the Emperor of Austria; King of Bohemia; etc., and Apostolic King of Hungary, for Austria and for Hungary; His Majesty the King of the Belgians; the President of the United States of Brazil; the President of the Republic of Cuba; His Majesty the King of Denmark; the President of the Dominican Republic; His Majesty the King of Spain; the President of the United States of America; the President of the French Republic; His Majesty the King of Italy; His Majesty the Emperor of Japan; the President of the United States of Mexico; His Majesty the King of Norway; Her Majesty the Queen of the Netherlands; the President of the Provisional Government of the Republic of Portugal; His Majesty the King of Servia*; His Majesty the King of Sweden; the Federal Council of the Swiss Confederation; and the Tunisian Government:

(The following is an English translation of the Convention with the omission of the formal beginning and end)

ARTICLE 1

The Contracting countries constitute themselves into a Union for the protection of industrial property.

ARTICLE 2

The subjects or citizens of each of the contracting countries shall in all the other countries of the Union, as regards patents, utility models, industrial designs or models, trade marks and trade names, indications of origin, and the suppression of unfair competition, enjoy the advantages that their respective laws now grant, or may hereafter grant, to their own subjects or citizens. Consequently, they shall have the same protection as the latter, and the same legal remedy against any infringement of their rights, provided they observe the conditions and formalities imposed on native subjects or citizens. No obligation as to the possession of a domicile or establishment in the country where protection is claimed shall be imposed on those who enjoy the benefits of the Union.

ARTICLE 3

Subjects or citizens of countries not forming part of the Union, who are domiciled or who have real and effective industrial or commercial establishments in the territory of any of the countries of the Union, shall be assimilated to the subjects or citizens of the contracting countries.

* Servia did not sign the Convention.

ARTICLE 4

(a) Any person who has duly applied for a patent, the registration of a utility model, industrial design or model, or trade mark, in one of the contracting countries, or his legal representative or assignee, shall enjoy, for the purposes of registration in other countries, and reserving the rights of third parties, a right of priority during the periods hereinafter stated.

(b) Consequently, subsequent registration in any of the other countries of the Union before the expiration of these periods shall not be invalidated through any acts accomplished in the interval, either, for instance, by another registration, by publication of the invention, or by the working of it by a third party, by the sale of copies of the design or model, or by use of the trade mark.

(c) The above-mentioned periods of priority shall be twelve months for patents and utility models, and four months for industrial designs and models and trade marks.

(d) Any person desiring to take advantage of the priority of a previous application must make a declaration giving particulars as to the date of such application and the country in which it was made. Each country will determine for itself the latest date at which such declaration must be made. The particulars referred to shall be stated in the publications issued by the competent authority, and in particular in the patents issued and the specifications relating thereto. The contracting countries may require any person making a declaration of priority to produce a copy of the application (with the specification, drawings, etc.) previously made, certified as correct by the authority by whom it was received. Such copies shall not require any legal authentication. They may also require that the declaration shall be accompanied by a certificate from the proper authority showing the date of the application, and also by a translation. No other formalities may be required for the declaration of priority at the time of application. Each of the contracting countries shall decide for itself what consequences shall follow the omission of the formalities prescribed by the present article, but such consequences shall in no case be more serious than the loss of the right of priority.

(e) At later stages, further proof in support of the application may be required.

ARTICLE 4 *bis*

Patents applied for in the various contracting countries by persons admitted to the benefits of the Convention in the terms of articles 2 and 3 shall be independent of the patents obtained for the same invention in the other countries, whether such countries be or be not parties to the Union.

This stipulation must receive a strict interpretation; in particular, it shall be understood to mean that patents applied for during the period of priority are independent, both as regards the grounds for refusal and for revocation, and also as regards their normal duration.

The stipulation shall apply to all patents already existing at the time when it shall come into effect.

The same stipulation shall apply in the case of the accession of new countries, to patents in existence, either on one side or the other, at the time of accession.

ARTICLE 5

The introduction by the patentee into the country where the patent has been granted of objects manufactured in any of the countries of the Union shall not entail forfeiture.

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Nevertheless, the patentee shall remain bound to work his patent in conformity with the laws of the country into which he introduces the patented objects, but with this reservation: that the patent shall not be liable to revocation on account of failure to work it in any country of the Union until after the expiration of three years from the date of application in that country, and then only in cases where the patentee cannot show reasonable cause for his inaction.

ARTICLE 6

Every trade mark duly registered in the country of origin shall be admitted for registration and protected in the form originally registered in other countries of the Union.

Nevertheless, the following marks may be refused or cancelled:—

1. Those which are of such a nature as to prejudice rights acquired by third parties in the country in which protection is applied for.

2. Those which have no distinctive character, or which consist exclusively of signs or indications which serve in trade to designate the kind, quality, quantity, destination, value, place of origin or date of production, or which have become customary in the current language, or in the *bona fide* and unquestioned usages of the trade of the country in which protection is sought.

In arriving at a decision as to the distinctiveness of the character of a mark, all the circumstances of the case must be taken into account, and, in particular, the length of time that such a mark has been in use.

3. Those which are contrary to morality or public order.

That country shall be deemed the country of origin where the applicant has his chief seat of business.

If this chief seat of business is not situated in one of the countries of the Union, the country to which the applicant belongs shall be deemed the country of origin.

ARTICLE 7

The nature of the goods on which the trade mark is to be used can, in no case, form an obstacle to the registration of the trade mark.

ARTICLE 7 *bis*

The contracting countries undertake to allow the registration of, and to protect, trade marks belonging to associations the existence of which is not contrary to the law of the country of origin, even if such associations do not possess an industrial or commercial establishment.

Nevertheless, each country shall be the sole judge of the particular conditions on which an association may be allowed to obtain protection for its marks.

ARTICLE 8

A trade name shall be protected in all the countries of the Union without necessity of registration, whether it form part or not of a trade mark.

ARTICLE 9

All goods illegally bearing a trade mark or trade name shall be seized on importation into those countries of the Union where this mark or name has a right to legal protection.

If the law of any country does not admit of seizure on importation, such seizure shall be replaced by prohibition of importation.

Seizure shall be effected equally in the country where the mark or name was illegally applied, or in the country to which the article bearing it may have been imported.

The seizure shall take place at the request either of the proper Government department or of any other competent authority, or of any interested party, whether individual or society, in conformity with the domestic law of each country.

The authorities are not bound to effect the seizure of goods in transit.

If the law of any country does not admit either of seizure upon importation, of prohibition of importation, or of seizure within the country, these measures shall be replaced by the remedies assured in such case to subjects or citizens by the law of such country.

ARTICLE 10

The stipulations of the preceding article shall be applicable to every production which may falsely bear as indication of origin the name of a specified locality, when such indication shall be joined to a trade name of a fictitious character or used with intent to defraud.

Any producer, manufacturer, or trader engaged in the production, manufacture, or trade of such goods, and established either in the locality falsely designated as the place of origin, or in the district where the locality is situated, is to be deemed a party concerned.

ARTICLE 10 *bis*

All the contracting countries undertake to assure to those who enjoy the benefits of the Union effective protection against unfair trade competition.

ARTICLE 11

The contracting parties shall in conformity with the legislation of each country, accord temporary protection to patentable inventions, to utility models, and to industrial designs or models, as well as to trade marks, in respect of products which shall be exhibited at official, or officially recognized, international exhibitions held in the territory of one of them.

ARTICLE 12

Each of the contracting countries agrees to establish a special Government department for industrial property, and a central office for communication to the public of patents, utility models, industrial designs or models, and trade marks.

This department shall, as far as possible, publish an official periodical paper.

ARTICLE 13

The International Office, established at Berne under the name "Bureau international pour la Protection de la Propriété industrielle," is placed under the high authority of the Government of the Swiss Confederation, which is to regulate its organization and supervise its working.

The International Office will centralize information of every kind relating to the protection of industrial property, and will bring it together in the form of a general statistical statement, which will be distributed to all the Administrations. It will interest itself in all matters of common utility to the Union, and will edit, with the help of the documents supplied to it by the various Administrations, a periodical paper in the French language, dealing with questions regarding the object of the Union.

SESSIONAL PAPER No. 9

The numbers of this paper, as well as all the documents published by the International Office, will be circulated among the Administrations of the countries of the Union in the proportion of the number of contributing units as mentioned below. Such further copies as may be desired, either by the said Administrations, or by societies or private persons, will be paid for separately.

The International Office shall at all times hold itself at the service of members of the Union, in order to supply them with any special information they may need on questions relating to the international system of industrial property. It will furnish an annual report on its working, which shall be communicated to all the members of the Union.

The official language of the International Office will be French.

The expenses of the International Office will be borne by the contracting countries in common. In no case may they exceed the sum of 60,000 fr. per annum.

To determine the part which each country should contribute to this total of expenses, the contracting countries, and those which may afterwards join the Union, shall be divided into six classes, each contributing in the proportion of a certain number of units, namely:—

	Units.
1st class..	25
2nd "	20
3rd "	15
4th "	10
5th "	5
6th "	3

These coefficients will be multiplied by the number of countries in each class, and the sum of the result thus obtained will supply the number of units by which the total expense has to be divided. The quotient will give the amount of the unit of expense.

Each of the contracting countries shall designate at the time of its accession the class in which it wishes to be placed.

The Government of the Swiss Confederation will superintend the expenses of the International Office, advance the necessary funds, and render an annual account, which will be communicated to all the other Administrations.

ARTICLE 14

The present Convention shall be submitted to periodical revisions with a view to the introduction of amendments calculated to improve the system of the Union.

For this purpose, Conferences shall be held successively, in one of the contracting countries, between the delegates of the said countries.

The Administration of the country in which the Conference is to be held will make preparation for the transaction of that Conference, with the assistance of the International Office.

The Director of the International Office will be present at the meetings of the Conferences and will take part in the discussions, but without the privilege of voting.

ARTICLE 15

It is agreed that the contracting countries respectively reserve to themselves the right to make separately, as between themselves, special arrangements for the protection of industrial property, in so far as such arrangements do not contravene the provisions of the present Convention.

ARTICLE 16

Countries which are not parties to the present Convention shall be allowed to accede to it upon their request.

The accession shall be notified through the diplomatic channel to the Government of the Swiss Confederation, and by the latter to all the other countries.

It shall entail, as a matter of right, accession to all the clauses, as well as admission to all the advantages stipulated in the present Convention, and shall take effect one month after the despatch of the notification by the Government of the Swiss Confederation to the other countries of the Union, unless a subsequent date has been indicated by the acceding country.

ARTICLE 16 *bis*

The contracting countries have the right of acceding to the present Convention at any time on behalf of their Colonies, Possessions, Dependencies, and Protectorates, or of any of them.

For this purpose they may either make a general declaration, including all their Colonies, Possessions, Dependencies, and Protectorates in the accession, or may expressly name those included, or may confine themselves to indicating those which are excluded therefrom.

This declaration shall be notified in writing to the Government of the Swiss Confederation and by the latter to all the other countries.

Under the same conditions, the contracting countries may denounce the Convention on behalf of their Colonies, Possessions, Dependencies, and Protectorates, or of any of them.

ARTICLE 17

The execution of the reciprocal engagements contained in the present Convention is subordinated, in so far as necessary, to the observance of the formalities and rules established by the constitutional laws of those of the contracting countries, who are bound to procure the application of the same, which they engage to do with as little delay as possible.

ARTICLE 17 *bis*

The Convention shall remain in force for an unlimited time, till the expiry of one year from the date of its denunciation.

This denunciation shall be addressed to the Government of the Swiss Confederation. It shall only affect the denouncing country, the Convention remaining in operation as regards the other contracting countries.

ARTICLE 18

The present Act shall be ratified and the ratifications deposited at Washington not later than the 1st April, 1913. It shall come into force, as between the countries which ratify it, one month after the expiration of that period.

This Act, with its Final Protocol, shall replace, as regards relations between the countries which ratify it, the Convention of Paris of the 20th March, 1883; the Final Protocol annexed to that Act; the Protocol of Madrid of the 15th April, 1891, regarding the endowment of the International Office; and the Additional Act of Brussels of the 14th December, 1900. The above-mentioned Acts shall, however, remain in force as regards relations with countries which have not ratified the present Act.

SESSIONAL PAPER No. 9

ARTICLE 19

The present Act shall be signed in a single copy, which shall be deposited in the archives of the Government of the United States. A copy, certified as correct, shall be forwarded by the latter to each of the Governments of the Union.

In witness whereof the respective Plenipotentiaries have signed the present Act.

Done at Washington, in a single copy, the 2nd June, 1911.

FINAL PROTOCOL

On proceeding to the signature of the Act concluded this day, the undersigned Plenipotentiaries have agreed as follows:—

To ARTICLE 1

The words “industrial property” are to be taken in their broadest sense; they extend to all productions of the agricultural industries (wines, corn, fruits, cattle, etc.) and of the mining industries (minerals, mineral waters, etc.).

To ARTICLE 2

(a) Under the word “patents” are comprised the various kinds of industrial patents recognized by the legislation of each of the contracting countries, such as importation patents, improvement patents, etc., whether for processes or for products.

(b) It is understood that the provision of article 2, which exempts the subjects or citizens of the Union countries from the obligation as to the possession of a domicile and establishment, is of the nature of an interpretation, and is consequently to apply to all rights resulting from the Convention of the 20th March, 1883, before the present Act comes into operation.

(c) It is understood that the provisions of article 2 do not affect the legislation of each of the contracting countries as regards the procedure to be followed before the tribunals and the competence of those tribunals, nor as regards the election or domicile or appointment of an authorized agent which may be laid down in laws as to patents, utility models, trade marks, etc.

To ARTICLE 4

It is understood that when an industrial design or model is registered in a country in virtue of a right of priority based on the registration of a utility model, the period of priority shall not exceed that fixed by article 4 for industrial designs and models.

To ARTICLE 6

It is understood that the provision of the first paragraph of article 6 does not exclude the right of requiring from the person registering the mark a certificate proving due registration in the country of origin, issued by the competent authority.

It is understood that the use of public armorial bearings, insignia or decorations, unless authorized by the competent authorities, or the use of official hall marks or signs indicating an official warranty, which may be adopted by a Union country, may be regarded as contrary to public order in the sense of No. 3 of article 6.

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Marks containing a reproduction of public armorial bearings, decorations or insignia, with the authorization of the competent authorities, shall not, however, be considered as contrary to public order.

It is understood that a mark cannot be considered as contrary to public order solely on the ground that it does not conform to some provision of the trade marks laws, unless such provision itself relates to public order.

The present final Protocol, which shall be ratified at the same time as the Act concluded on this day, shall be considered as forming an integral part of, and shall have the same force, validity, and duration as the said Act.

In witness whereof the respective Plenipotentiaries have signed this Protocol.
Done at Washington, in a single copy,

(DEPOSIT OF RATIFICATIONS)

PROTOCOL

In execution of article 18 of the Convention for the Protection of Industrial Property signed at Washington the 2nd June, 1911, the Undersigned, duly authorized thereto, have met together in order to proceed to the deposit of the Acts of Ratification of the aforesaid Convention by their respective Governments.

These Acts, having been presented and found to be in good and due form, have been entrusted to the Secretary of State of the United States of America with a view to their deposit in the archives of the Government of the United States.

In witness whereof the present Protocol has been prepared, of which a certified copy shall be communicated through the diplomatic channel to the Governments constituting the International Union for the Protection of Industrial Property.

Done at Washington, the 1st April, 1913.

Extract from the CANADA GAZETTE, May 17, 1924, Pages 4247 and 4248.

GOVERNMENT NOTICES

Accession of Canada to the International Convention for the Protection of Industrial Property as Revised at Washington in 1911

P.C. 50

CERTIFIED copy of a Report of the Committee of the Privy Council, approved by His Excellency the Governor General on the 15th January, 1923.

The Committee of the Privy Council have had before them a report, dated 21st December, 1922, from the Acting Minister of Trade and Commerce, submitting that by Minute of Council approved on the 9th of March, 1900, authority was given for the reasons therein mentioned for the submission to Her Majesty's Government of a request that Her Majesty be graciously pleased to take such action as might be necessary to declare the adhesion of the Dominion to the International Convention for the Protection of Industrial Property created in Paris in 1883.

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The Minister further submits that in due course a copy of said Minute of Council with copies of the Canadian Patent Act and Trade Mark and Design Act were transmitted to the Secretary of State for the Colonies.

Under date the 7th of July, 1900, a reply was received from the Secretary of State for the Colonies to the despatch transmitting said copies to the effect that before Canada could comply with certain Articles of the Convention therein mentioned some alteration in the existing Canadian law would be required.

The Minister observes that by amendment since made to the Canadian Patent Act and by further amendment of said Act and amendment of the Canadian Trade Mark and Design Act by the passage of bills prepared for introduction at the session of Parliament about to be held, Canada will now be in a position to comply with all the articles of said Convention as will appear by copies of said Acts and Bills hereunto annexed.

The Minister states that in his opinion satisfactory provision has been made in the Dominion for the protection of inventions, trade marks and designs, patented or registered in the United Kingdom or the Isle of Man.

The Minister therefore recommends that authority be given for the submission to His Majesty's Government of a request that His Majesty will be graciously pleased to take such action as may be necessary to declare the adhesion of the Dominion to the International Convention for the Protection of Industrial Property as revised at Washington in 1911, and to pass an Order in Council applying to the Dominion Section 91 of the Patents and Designs Act, 1907, as amended with such variations or additions, if any, as to His Majesty in Council may seem fit.

The Minister further recommends that copies of said Canadian Acts and Bills be forwarded to His Majesty's Government.

The Committee advise that Your Excellency may be moved to transmit a certified copy of this Minute, together with the documents above-mentioned and annexed, to the Right Honourable the Secretary of State for the Colonies.

All of which is respectfully submitted for Your Excellency's approval.

RODOLPHE BOUDREAU,
Clerk of the Privy Council.

Canada
No. 467

DOWNING STREET, September 24, 1923.

8th Sept. My LORD,—With reference to my despatch No. 389, of the 17th
4th Sept. of August, I have the honour to transmit to your Excellency, for the
1st Sept. information of your Ministers, a copy of a despatch from His
 Majesty's Minister at Berne regarding the accession of Canada to
 the International Convention for the Protection of Industrial Prop-
 erty.

I have the honour to be, My Lord,
Your Lordship's most obedient, humble servant,

(Signed) DEVONSHIRE.

Governor General, His Excellency, General, The Right Honourable, LORD
BYNG of Vimy, G.C.B., G.C.M.G., M.V.O., etc., etc., etc.

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Copy.
No. 126
(821/467/23).

BERNE, September 8, 1923.

MY LORD,—With reference to Your Lordship's despatch No. 203 (W 6163 1392 43) of the 9th August regarding the accession of the Government of the Dominion of Canada to the International Convention for the Protection of Industrial Property, I have the honour to transmit herewith copy of the reply of the Swiss Government to the note addressed to them on the 21st ultimo, enclosing a circular which has been distributed to the Governments of the States who are already members of the Convention.

I have etc., with the highest respect,

(Sgd.) R. I. BAIRD,
(For His Majesty's Minister).

The Most Honourable,
The Marquess Curzon of Kedleston, K.C.,
etc., etc., etc.

Copie.

Département Politique fédéral
Division des Affaires étrangères.
B.14 3.6. II—Fo.
Ad. No. 32 (752/467/23)

Par note du 21 août, la Légation de Grande-Bretagne a bien voulu notifier au Département Politique Fédéral l'accession du Canada à la Convention de Paris du mars 1883 pour la protection de la propriété industrielle, révisée à Bruxelles le 14 décembre 1900 et à Washington le 2 juin 1911.

Le Département Politique a l'honneur de faire savoir à la Légation de Grande-Bretagne que cette accession a été portée à la connaissance des Gouvernements des pays membres de l'Union de la propriété industrielle par une note circulaire, dont ci-joint un exemplaire.

A teneur de la notification de la Légation, et conformément à l'article 16 bis de la Convention d'Union précitée, cette adhésion produit ses effets à partir du 1er septembre 1923.

Le Département saisit cette occasion de renouveler à la Légation l'assurance de sa haute considération.

BERNE, le 4 septembre, 1923.

1 annexe

A la Légation de Grande-Bretagne,
BERNE.

Copie.
(W.7110/1392/43)

BERNE, le 1er septembre, 1923.

MONSIEUR LE MINISTRE,—Le 21 août dernier, la Légation de Grande-Bretagne à Berne nous a fait savoir, avec prière donner connaissance aux Gouvernements des pays membres de l'Union pour la protection de la propriété industrielle, que la colonie de Canada a accédé à la Convention d'Union de Paris du 20 mars 1883 pour la protection de la propriété industrielle, révisée à Bruxelles le 14 décembre 1900 et à Washington le 2 juin 1911.

SESSIONAL PAPER No. 9

A teneur de la note de la Légation et conformément à l'article 16 bis de ladite Convention d'Union, cette adhésion produit ses effets à partir du 1er septembre, 1923.

En priant Votre Excellence de vouloir bien prendre note de ce qui précède nous saisissons cette occasion pour vous renouveler, Monsieur le Ministre, l'assurance de notre haute considération.

Au nom du Conseil fédéral suisse:

Le Président de la Confédération,
(Signé)

Le Chancelier de la Confédération
(Signé)

Son Excellence
Monsieur le Ministre
des Affaires Etrangères.

The foregoing Order in Council and Despatches evidence the accession of Canada to the International Convention for the Protection of Industrial Property signed at Washington, June 2, 1911.

GEO. F. O'HALLORAN,
Commissioner of Patents.

46-1

Extract from CANADA GAZETTE, May 10, 1924

THE COPYRIGHT ACT, 1921

[1395]

The following is a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General, on the 27th July, 1923.

The Committee of the Privy Council have had before them a report, dated 14th July, 1923, from the Minister of Trade and Commerce, stating that section 49 of the Copyright Act, 1921, provides that the Governor in Council may take such action as may be necessary to secure the adherence of Canada to the Revised Convention of Berne, signed on the 13th day of November, 1908, and the additional Protocol thereto signed at Berne, the twentieth day of March, 1914, set out in the Second Schedule to this Act.

Article 1 of the said Protocol provides that, where any country outside the Union fails to protect in an adequate manner the works of authors who are subject to the jurisdiction of one of the contracting countries, nothing in the Convention of the 13th November, 1908, shall affect the right of such contracting country to restrict the protection given to the works of authors who are, at the date of the first publication thereof subjects or citizens of the said non-Union country, and are not effectively domiciled in one of the countries of the Union.

Article 2 provides that the right accorded by the present Protocol to contracting States belongs equally to any of their oversea possessions.

Article 4 provides that the States which restrict the grant of copyright in accordance with the present Protocol shall give notice thereof to the Government of the Swiss Confederation by a written declaration specifying the coun-

tries in regard to which protection is restricted, and the restrictions to which rights of authors who are subject to the jurisdiction of these countries are subjected.

The Dominion of Canada restricts the grant of copyright in accordance with the said Protocol in regard to the United States of America, and the restrictions to which rights of authors who are subject to the jurisdiction of that country are subjected, are set forth in sections 13, 14, 15 and 27 of the said Copyright Act, 1921.

Subsection (2) of section 25 of the Copyright Act, 1911, passed by the Parliament of the United Kingdom provides as follows:—

If the Secretary of State certifies by notice published in the *London Gazette* that any self-governing dominion has passed legislation under which works, the authors whereof were at the date of the making of the works British subjects resident elsewhere than in the dominion or (not being British subjects) were resident in the parts of His Majesty's dominions to which this Act extends, enjoy within the dominions rights substantially identical with those conferred by this Act, then, whilst such legislation continues in force, the dominion shall, for the purposes of the rights conferred by this Act, be treated as if it were a dominion to which this Act extends; and it shall be lawful for the Secretary of State to give such certificate as aforesaid, notwithstanding that the remedies for enforcing the rights, or the restrictions on the importation of copies of works, manufactured in a foreign country, under the law of the dominion, differ from those under this Act.

In the opinion of the Minister, under the provisions of the Copyright Act, 1921, as amended by the Copyright Amendment Act, 1923, authors who are British subjects resident elsewhere than in the Dominion of Canada or not being British subjects, are resident within His Majesty's dominions, enjoy within the Dominion of Canada rights substantially identical with those conferred by the said Copyright Act, 1911.

The Minister, therefore, recommends that authority be given for the submission to His Majesty's Government of a request that His Majesty be graciously pleased to take such action as may be necessary to declare the adhesion of the Dominion of Canada to the Revised Convention of Berne, signed the thirteenth day of November, 1908, and the Additional Protocol thereto signed at Berne the twentieth day of March, 1914, subject to the restriction in regard to the United States of America as hereinbefore set forth.

The Committee, on the recommendation of the Minister of Trade and Commerce, advise that Your Excellency may be pleased to request His Majesty's Government to take such action as may be necessary for publication in the *London Gazette* of the notice of the Secretary of State as provided by subsection (2) of section 25 of the said Copyright Act, 1911.

All which is respectfully submitted for approval.

E. J. LEMAIRE,
Clerk of the Privy Council.

SESSIONAL PAPER No. 9

Extract from CANADA GAZETTE March 1, 1924

COPYRIGHT NOTICE

ACCESSION OF CANADA TO THE REVISED BERNE COPYRIGHT CONVENTION OF 1908

The despatch from the Secretary of State for the Colonies to His Excellency the Governor General and the therewith enclosed despatch from His Majesty's Chargé d'Affairs at Berne which are printed below were received at the Patent and Copyright Office on the 28th of February, 1924. These despatches evidence the accession of Canada to said Revised Berne Convention.

GEO. F. O'HALLORAN,
Commissioner of Patents.

CANADA
No. 70.

DOWNING STREET, February 13, 1924.

MY LORD,—With reference to my predecessor's despatch No. 18 of the 5th of January, I have the honour to transmit to Your Excellency, to be laid before your Ministers, a copy of a despatch from His Majesty's Chargé d'Affairs at Berne reporting that the Swiss Government was notified on the 7th of January of the accession of the Dominion of Canada to the Revised Berne Copyright Convention of 1908.

I have the honour to be, My Lord,
Your Lordship's most obedient humble servant,

J. H. THOMAS.

Governor General, His Excellency, General, The Right Honourable LORD BYNG OF VIMY, G.C.B., G.C.M.G., M.V.O., etc., etc., etc.

BERNE, February 2, 1924.

SIR,—With reference to Lord Curzon's despatch No. 27 (w. 33/33/43/) of the 22nd ultimo, I have the honour to inform you that Sir Milne Chetham notified to the Swiss Government on the 7th of January the accession of the Dominion of Canada to the Revised Berne Copyright Convention of 1908.

I have, etc.,

The Honourable
JAMES RAMSAY MACDONALD, M.P.

O. A. SCOTT.

Extract from CANADA GAZETTE March 15, 1924

COPYRIGHT NOTICE

ACCESSION OF CANADA TO THE REVISED BERNE COPYRIGHT CONVENTION OF 1908

The despatch from the Secretary of State for the Colonies to His Excellency the Governor General and the therewith enclosed note from the Swiss Federal Council which are both printed below, complete the evidence of the accession of Canada to the Revised Berne Copyright Convention of 1908, and the Additional Protocol thereto of 1914.

Previous despatches in this connection were published in *The Canada Gazette* of March 1, 1924, page 3200.

GEO. F. O'HALLORAN,
Commissioner of Patents.

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Canada
Dominions No. 80

DOWNING STREET, February 28, 1924.

MY LORD,—With reference to my despatch No. 70 of the 13th of February, I have the honour to transmit to Your Excellency, to be laid before your Ministers, a copy of a note from the Swiss Federal Council relative to the accession of Canada to the revised Berne Copyright Convention of 1908 and the additional Protocol thereto of 1914.

I have the honour to be, My Lord,

Your Lordship's most obedient, humble servant,

(Signed) J. H. THOMAS.

Governor General, His Excellency, The Right Honourable, LORD BYNG of VIMY,
G.C.B., G.C.M.G., M.V.O., etc., etc., etc.

Note du Conseil fédéral adressée à tous les Etats membres de l'Union pour la protection des œuvres littéraires et artistiques.

BERNE, le 29 janvier 1924.

MONSIEUR LE MINISTRE,—Par une note du 7 janvier 1924, la Légation Britannique, à Berne, a notifié au Conseil fédéral l'adhésion du Dominion du Canada à la Convention de Berne révisée pour la protection des œuvres littéraires et artistiques, du 13 novembre 1908, complétée par le Protocole additionnel signé à Berne le 20 mars 1914. Cette adhésion, qui produit ses effets à partir du 1er janvier 1924, met définitivement fin à l'existence des actes antérieurs, soit la Convention de Berne primitive du 9 septembre 1886 et l'Acte additionnel de Paris du 4 mai 1896, par lesquels le Canada seul restait lié jusqu'ici. Dorénavant, la Convention de Berne révisée de 1908 régira la totalité des pays unionnistes, à l'exception des quelques dispositions isolées desdits actes antérieurs qui ont été maintenues par certains états contractants sous forme de réserves formelles.

L'adhésion précitée est donnée sous l'unique restriction ainsi formulée dans la note du 7 janvier 1924: "Conformément au Protocole additionnel de 1914, le Dominion du Canada restreint la protection des droits des auteurs par rapport aux Etats-Unis d'Amérique; les restrictions auxquelles sont soumis les droits des auteurs placés sous la juridiction de ce pays sont établies par les articles 13, 14, 15 et 27 de la loi de 1921 sur le droit d'auteur."

Le traitement restrictif étant ainsi circonscrit aux rapports entre le Canada et les Etats-Unis, nous croyons pouvoir renvoyer au texte officiel français de cette loi tel qu'il a été publié par le Droit d'Auteur, année 1921, p. 98 et suivantes, ainsi qu'aux études que ce même organe a consacrées soit à l'historique et à la portée du Protocole additionnel de 1914 (ibid., 1914, p. 79 à 81 et 93 à 96), soit aux affaires américaines qui ont donné lieu à une première application de ce Protocole (v. notamment ibid., 1923, p. 37 à 39 et 105 à 107).

Veillez agréer, Monsieur le Ministre, l'assurance de notre haute considération.

Au nom du Conseil fédéral suisse:

Le Président de la Confédération,

(Sgé) CHEURD.

Le Chancelier de la Confédération,

(Sgé) STEIGER.

Son Excellence

Monsieur le Ministre des Affaires Etrangères.

SESSIONAL PAPER No. 9

Extract from LONDON GAZETTE December 14, 1923

DOWNING STREET, December 6, 1923.

I, the undersigned, one of His Majesty's Principal Secretaries of State, do hereby certify, pursuant to section 25 sub-section (2) of the Imperial Copyright Act 1911 that the Dominion of Canada has passed legislation (that is to say the Copyright Act 1921 and the Copyright Amendment Act 1923) under which works, the authors whereof were at the date of the making of the works British subjects resident elsewhere than in the Dominion of Canada, or (not being British subjects) were resident in the parts of His Majesty's Dominions to which the said Imperial Act extends, enjoy within the Dominion of Canada, as from the 1st day of January, 1924, rights substantially identical with those conferred by the said Imperial Act.

DEVONSHIRE.

Extract from CANADA GAZETTE December 29, 1923

THE COPYRIGHT ACT, 1921

EXTENSION TO THE UNITED STATES OF AMERICA

I, Thomas Andrew Low, Minister of Trade and Commerce for the Dominion of Canada, do hereby certify pursuant to subsection 2 of section 4 of the Copyright Act, 1921, that the United States of America is a country which grants or has undertaken to grant either by treaty, convention, agreement or law, to citizens of Canada, the benefit of Copyright on substantially the same basis as to its own citizens or Copyright protection substantially equal to that conferred by the said Act, and from the first day of January, 1924, the said country shall for the purpose of the rights conferred by the said Act be treated as if it were a country to which the said Act extends.

THOS. A. LOW.

OTTAWA, December 26, 1923.

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BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Whereas it is provided by the Act of Congress approved March 4, 1909, entitled "An Act to Amend and Consolidate the Acts Respecting Copyright," that the copyright secured by the Act, except the benefits under section 1 (e) thereof as to which special conditions are imposed, shall extend to the work of an author or proprietor who is a citizen or subject of a foreign state or nation, only upon certain conditions set forth in section 8 of the said Act, to wit:

(a) When an alien author or proprietor shall be domiciled within the United States at the time of the first publication of his work; or

(b) When the foreign state or nation of which such author or proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright protection substantially equal to the protection secured to such foreign author under this Act or by treaty; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States may, at its pleasure, become a party thereto;

And whereas it is provided by section 1 (e) of the said Act of Congress, approved March 4, 1909, that the provisions of the Act, "so far as they secure copyright controlling the parts of instruments serving to reproduce mechanically the musical work, shall include only compositions published and copyrighted after this Act goes into effect, and shall not include the works of a foreign author or composer unless the foreign state or nation of which such author or composer is a citizen or subject grants, either by treaty, convention, agreement or law, to citizens of the United States similar rights";

And whereas the President is authorized by the said section 8 to determine by proclamation made from time to time the existence of the reciprocal conditions aforesaid, as the purposes of the Act may require;

And whereas satisfactory official assurances have been received that the Minister of Trade and Commerce of Canada issued, pursuant to section 4 (2) of the Canadian Copyright Act assented to June 4, 1921, a certificate dated December 26, 1923, to become operative on January 1, 1924, declaring that for the purposes of the rights conferred by the said Act, the United States shall be treated as if it were a country to which the Act extends.

Now therefore, I, Calvin Coolidge, President of the United States of America do declare and proclaim:

That on and after January 1, 1924, the conditions specified in sections 8 (b) and 1 (e) of the Act of March 4, 1909, will exist and be fulfilled in respect to the citizens of Canada and that on and after that date citizens of Canada will be entitled to all the benefits of the Act of March 4, 1909, including section 1 (e) thereof and the Acts amendatory of the said Act.

Provided that the enjoyment by any work of the rights and benefits conferred by the Act of March 4, 1909, and the Acts amendatory thereof, shall be conditional upon compliance with the requirements and formalities prescribed with respect to such works by the copyright laws of the United States.

And Provided Further that the provisions of section 1 (e) of the Act of March 4, 1909, in so far as they secure copyright controlling the parts of instruments serving to reproduce mechanically musical works shall apply only to compositions published on or after January 1, 1924, and registered for copyright in the United States.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 27th day of December, in the year of Our Lord one thousand nine hundred and twenty-three, and of the Independence of the United States of America the one hundred and forty-eighth.

[SEAL]

CALVIN COOLIDGE.

By the President:

CHARLES E. HUGHES,
Secretary of State.

[No. 1682.]